THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION No.26661 of 1998

Date: 05.07.2006

Between:

M/s. Regency Constructions
Rep., by its Managing Partner
Lt. Col. V. Khanna (Retd.).

… PETITIONER

AND

Commissioner, Municipal Corporation of
Hyderabad, Tankbund Road, Hyderabad.

… RESPONDENT

ORDER:

Heard both sides.

The petitioner herein, who appears to be the owner of premises bearing No.6-3-68 & 680, Pasha Court, Panjagutta, Hyderabad, filed this writ petition *inter alia* seeking to assail the impugned notice dated 19.09.1998 purported to have been issued under Section 452 of Hyderabad Municipal Corporation Act (for short "the Act") for demolition of the alleged unauthorized structures in the stilt floor (B) block of the said premises, as illegal.

The case of the petitioner is that the entire construction is perfectly in terms of the permission obtained and the said construction has also been assessed by the respondent office and now under the impugned notice the respondent is trying to demolish the same without issuing notice under Section 636 of the Act. No counter affidavit has been filed.

Having heard the counsel on either side and also on perusal of the material, it is seen that on the face of it the impugned action of the respondent is for demolition on the allegation of illegal construction. This court has granted interim direction as long back as on 21.09.1998 in WPMP.No.32420 of 1998 and the same is still in force. No application has been filed to vacate the same.

Having regard to the facts and circumstances and also on consideration of the statements made by the learned counsel, it would suffice in the interest of justice to permit the petitioner to make proper representation before the authorities concerned pointing out all these aspects and thereafter it shall be open for the respondent herein to consider the same and pass appropriate orders and proceed in accordance with law. The petitioner is permitted to file such representation within a period of four weeks from today and the respondent shall dispose of the same within a period of four weeks thereafter.

Accordingly, the writ petition is disposed of. No costs.

_____

B. PRAKASH RAO, J

Date: 05.07.2006
ES